ESTTA Tracking number:

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Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212653
Party	Plaintiff Nautica Apparel, Inc.
Correspondence Address	STEPHEN L BAKER BAKER AND RANNELLS PA 575 ROUTE 28 RARITAN, NJ 08869 UNITED STATES officeactions@br-tmlaw.com, s.baker@br-tmlaw.com,p.chang@br-tmlaw.com,k.worosila@br-tmlaw.com,k.hna sko@br-tmlaw.com,Margaret_Bizzari@vfc.com
Submission	Motion to Compel Discovery
Filer's Name	Neil B. Friedman
Filer's e-mail	Officeactions@br-tmlaw.com, k.hnasko@br-tmlaw.com,
Signature	/Neil B. Friedman/
Date	02/17/2014
Attachments	SCANS-2-Baker-Rannells140217114639.pdf(443385 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NAUTICA APPAREL, INC.,

Opposer,

v.

MAJESTIQUE CORPORATION,

Applicant.

Opposition No.: 91212653



Mark:

Ser. No. 85883577

OPPOSER'S MOTION TO COMPEL RESPONSES TO DISCOVERY

Nautica Apparel, Inc. ("Opposer") hereby moves for an order compelling Majestique Corporation's ("Applicant"), to respond to Opposer's interrogatories and document requests and to produce the documents requested by Nautica.

As set forth in the attached Declaration of Neil B. Friedman, on December 23, 2013, Opposer served upon Applicant its Initial Disclosures, First Set of Interrogatories and First Set of Document Requests. Applicant's responses to the foregoing discovery demands were due on January 27, 2014 (30+5 days for mailing). Having received no response from Applicant, on January 28, 2014, Opposer sent out a follow-up request for the discovery responses in a good faith effort to obtain compliance. No response was forthcoming from Applicant.

On February 10, 2014, as a final good faith effort to obtain compliance from Applicant, Opposer sent an email to Applicant's counsel. Two days later, on February 12, 2014, Applicant's attorney responded claiming that he was working on answers to the interrogatories. No request for additional time was made and no information was provided regarding the document requests.

On February 12, 2014, Opposer contacted opposing counsel and requested responses by no later than February 13, 2014. No further response was forthcoming from Applicant's counsel despite demanding a response by a firm date.

Despite repeated requests for compliance and firm dates for a response, Applicant has failed to respond. Opposer has made a good faith effort to resolve the issue with correspondence by mail and email and has been unable to resolve this matter.

CONCLUSION

WHEREFORE, Opposer respectfully moves for an order compelling Applicant to produce responses to interrogatories and document requests and to produce documents without objection.

Dated: February 17, 2014

Respectfully submitted for Opposer,

NAUTICA APPAREL, INC.,

By:

Neil B. Friedman BAKER & RANNELLS, P.A. 575 Route 28, Suite 102 Raritan, NJ 08869

(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was sent to attorneys for Applicant this 17thth day of February 2014 via first class mail, postage prepaid, to the following:

GINO NEGRETTI LAW OFFICES 670 PONCE DE LEON AVE. CARIBBEAN TOWERS, STE. 17 SAN JUAN, PR 00907-3207

Neil B. Friedman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NAUTICA APPAREL, INC.,

Opposer,

v.

MAJESTIQUE CORPORATION,

Applicant.

Ser. No. 85883577

DECLARATION OF NEIL B. FRIEDMAN

Neil B. Friedman, an attorney admitted to practice in New York and New Jersey and I declare as follows pursuant to 28 U.S.C. § 1746:

- 1. I am counsel to Opposer, Nautica Apparel, Inc. ("Opposer").
- 2. I submit this Declaration in support of Opposer's Motion to Compel responses to Discovery.
- 3. On December 23, 2013, Opposer served upon Applicant, Majestique Corporation, its Initial Disclosures, First Set of Interrogatories and First Set of Document Requests. Copies of Opposer's discovery requests are attached hereto as Exhibit A.
- 4. Applicant's responses to the foregoing discovery demands were due on January 27, 2014.
- 5. Having received no response from Applicant, on January 28, 2014,
 Opposer sent out a follow-up request for the discovery responses in a good faith effort to
 obtain compliance by January 31, 2014. A copy of the good faith demand letter is
 attached as Exhibit B.

6. Despite my good faith letter, no response was forthcoming from

Applicant. Therefore, on February 10, 2014, as a final good faith effort to obtain

compliance from Applicant, Opposer sent an email to Applicant's counsel demanding

responses to the discovery requests.

7. Two days later, on February 12, 2014, Applicant's attorney responded by

email claiming that he was working on answers to the interrogatories. No request for

additional time was made and no information was provided regarding the document

requests. On February 12, 2014, I contacted opposing counsel and requested responses

by no later than February 13, 2014. Copies of the email exchange is attached as Exhibit

C.

8. No further response was forthcoming from Applicant's counsel despite

demanding a response by a firm date and as of the date of this motion I have not received

any further communication from Applicant.

Executed: Raritan, New Jersey

February 17, 2014

Neil B. Friedman

2

EXHIBIL Y

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

X		
NAUTICA APPAREL, INC.,		Opposition No.: 91212653
Opposer,	:	/
V. MAJESTICLIE CORROR ATION		
MAJESTIQUE CORPORATION,	:	Mark:
Applicant.	:	Ser. No. 85883577
v	•	

OPPOSER'S FIRST SET OF INTERROGATORIES TO APPLICANT

Opposer Nautica Apparel, Inc. ("Opposer"), pursuant to Rule 2.120 of the Trademark Rules of Practice, and Rule 33 of the Federal Rules of Civil Procedure, hereby requests that Applicant, Majestique Corporation ("Applicant"), answer separately and fully, in writing under oath, the following Interrogatories within thirty (30) days after service of this request.

DEFINITIONS AND INSTRUCTIONS

- 1. As used herein, the term "Opposer" means and shall refer to Opposer herein, each of its predecessors, subsidiaries, licensees, divisions, affiliates, directors, officers, employees, agents and attorneys and each person acting on its behalf or under its control.
- 2. As used herein, the term "Applicant" means and shall refer to Majestique Corporation applicant and each of its predecessors, subsidiaries, licensees, divisions, affiliates, directors, officers, employees, agents and attorneys and each person acting on its behalf or under its control.

- 3. As used herein, the term "Person" as well as pronouns referring thereto shall include any business, legal or government entity or association, as well as natural persons.
- 4. As used herein, the term "identify" or the phrase "give the identity of" shall mean:
 - a. In the case of a natural person: (1) his or her full name; (2) his or her present or last known address and telephone number; (3) his or her present or last known employer or business affiliation and business telephone number; and (4) the title(s) or position(s) held at any time by such person with respect to such employer or business affiliation;
 - b. In the case of a corporation, business entity, or organization: (1) its full name; (2) the address of its principal place of business; (3) the identity of any and all of its officers, directors, and managing agents; and (4) if unincorporated, the nature of the entity or organization, i.e. sole proprietorship, partnership, etc.;
 - c. In the case of a document: (1) the author(s) of the document; (2) any and all persons who received such document (including copies); (3) the date of such document; and (4) the general subject matter of such document;
 - d. In the case of a product: (1) the generic name of the product; (2) the function of the product; and (3) the inclusive dates during which the product has been sold or offered for sale in the United States;
 - e. In the case of an instance or incident: (1) the identity of each person who participated in or who has knowledge of the instance or

- incident; (2) the circumstances surrounding the instance or incident; and (3) the date or the inclusive dates during which the instance or incident occurred.
- 5. As used herein, the term "document" includes any tangible thing from or on which information can be stored, recorded, processed, transmitted, inscribed, or memorialized in any way by any means, regardless of technology or form.
- 6. As used herein, the term "date" means the exact date, if known, and, if not known, the approximate date.
- 7. With respect to each interrogatory to which an objection is made, state the specific grounds of the objection and answer any portion of the interrogatory which does not fall within the stated objection.
- 8. Any word written in the singular shall be construed as plural or vice-versa when necessary to facilitate the answer to the interrogatory.
- 9. As used herein, the term "all" and "each" shall be construed as all and each to bring within the scope of the discovery request all responses that might be construed to be outside of its scope.
- 10. As used herein, the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all responses that might otherwise be construed to be outside of its scope.
- 11. As used herein, the term "Applicant's Mark" means and shall refer to the design mark in App. No. 85883577, which is the subject of Opposer's Notice of Opposition.
- 12. As used herein, the term "Applicant's Goods" means and shall refer to the goods listed in App. No. 85883577.

13. As used herein, the term "Opposer's Marks" means and shall refer to those marks listed in Paragraphs 5 and 6 of Opposer's Notice of Opposition.

INTERROGATORIES

INTERROGATORY NO. 1

State the date upon which Applicant began use of Applicant's Mark.

INTERROGATORY NO. 2

Identify any business affiliated with Applicant and/or Applicant's Mark.

INTERROGATORY NO. 3

Identify each person who was responsible for or who participated in the conception, selection, or adoption of Applicant's Mark.

INTERROGATORY NO. 4

State the reason(s) Applicant selected Applicant's Mark as a trademark.

INTERROGATORY NO. 5

Identify each person who assisted, advised or otherwise participated in conducting trademark searches or any other search for the Applicant's Mark prior to Applicant's filing of its trademark application.

INTERROGATORY NO. 6

Describe each product that has been, is being, or will be sold or offered for sale using Applicant's Mark in the United States.

INTERROGATORY NO. 7

Identify each person who is presently, has been, or will be responsible for the sale and/or distribution of each product offered for sale, sold, or distributed by Applicant using Applicant's Mark in the United States, and indicate the periods of time during

which each such person was responsible for the offering for sale, sale and/or distribution of said product, and the responsibilities of each such person.

INTERROGATORY NO. 8

State for each such product described in response to Interrogatory No. 6:

- a. the date the product was first sold in intrastate and interstate commerce;
- b. whether any product was discontinued, each product that was discontinued,
 the date when sale of the product was discontinued, and the reason(s) for such discontinuance; and
- c. whether any product that was discontinued was later resumed and whether the mark is currently in use.

INTERROGATORY NO. 9

If Applicant's use of Applicant's Mark upon goods or in conjunction with services has been made known to the trade and/or public in the United States by means of magazine or newspaper articles, trade publications or by any other manner, identify all such articles, publications and the like.

INTERROGATORY NO. 10

Identify the means by which products offered under Applicant's Mark have been promoted or advertised in the U.S.

INTERROGATORY NO. 11

Describe in detail the trade channels for each product identified in response to Interrogatory No. 6 by which such product traveled, travels or will travel from Applicant to the ultimate end user of such product in the United States.

INTERROGATORY NO. 12

Describe in detail the geographic areas in the United States in which each product identified in Interrogatory No. 6 are sold.

INTERROGATORY NO. 13

Describe in detail the geographic areas in the United States in which Applicant advertises each product identified in Interrogatory No. 6.

INTERROGATORY NO. 14

Describe the type of end user for each product identified in response to Interrogatory No. 6.

INTERROGATORY NO. 15

Set forth the actual retail prices for each product identified in response to Interrogatory No. 6.

INTERROGATORY NO. 16

Identify the names and addresses of the business establishments in the United States, which are accessible to the public, where each of the products identified in response to Interrogatory No. 6 were sold or are currently on sale.

INTERROGATORY NO. 17

Describe the target class of consumer for the goods sold under Applicant's mark.

INTERROGATORY NO. 18

Identify all re-sellers (such as retailers, wholesalers, distributors and/or licensees) who have ever agreed to license or sell goods under Applicant's Mark and identify the goods involved.

INTERROGATORY NO. 19

State the annual dollar and unit volume of sales in the United States separately for each product identified in response to Interrogatory No. 6 from Applicant's first use of Applicant's Mark to the present.

INTERROGATORY NO. 20

State the annual advertising and promotional expenditures in the United States separately for each product identified in response to Interrogatory No. 6 from Applicant's first use of Applicant's Mark to the present.

INTERROGATORY NO. 21

Describe in detail all instances or incidents of actual confusion between any of Applicant's products and the products of Opposer.

INTERROGATORY NO. 22

If any person has ever received any mail, inquiries, or other communications evidencing confusion, mistaken identity or relationship, or possible mistake between Opposer's products and the products of Applicant, or between Applicant's Mark and Opposer's Mark:

- a. Identify the person who sent the communication or made the inquiry; and
- b. Identify the person who received the communication or to whom such inquiry was made.

INTERROGATORY NO. 23

Identify all disputes, including, but not limited to, lawsuits, oppositions, cancellation proceedings, written objections or threatened litigation, in which Applicant is or has in any way been involved (other than the present proceeding) with respect to Applicant's Mark, and indicate how such dispute was eventually resolved, including

whether there were any agreements between the parties or decisions issued by any court or tribunal.

INTERROGATORY NO. 24

Identify each publication or item of advertising or promotional material in which Applicant has advertised or promoted or will advertise or promote each product identified in Interrogatory No. 6, including the date of each such publication or item of advertising or promotional material and the type of persons to whom the item was distributed.

INTERROGATORY NO. 25

Identify by stating the name, address and business affiliation of any and all expert witnesses Applicant has retained, employed, consulted or whose views or opinions have been sought by or on behalf of Applicant, whether or not such expert is expected to testify during Applicant's testimony period, concerning any aspect of this proceeding, and state the area of expertise of such witness.

INTERROGATORY NO. 26

Identify all witnesses upon whose testimony Applicant intends to present and rely in proof of any issue in this proceeding.

INTERROGATORY NO. 27

For each product identified in response to Interrogatory No. 6, state the amount of inventory maintained by Applicant for each calendar month from the date Applicant began selling such product until the present.

INTERROGATORY NO. 28

Identify all of Applicant's importers, distributors, manufacturers and suppliers of each product identified in response to Interrogatory No. 6.

INTERROGATORY NO. 29

Identify all of Applicant's manufacturers and suppliers of labels, brochures, flyers, catalogs, packaging, or other items which relate to or refer to Applicant's Mark or the products identified in response to Interrogatory No. 6.

INTERROGATORY NO. 31

Identify by name, address and title all persons who participated in any way in the preparation of the answers or responses to these Interrogatories, including those persons who were consulted in the course of answering or responding to such interrogatory, and the documents relied upon in preparing such answers.

Dated: December 23, 2013 For Opposer Nautica Apparel, Inc.

By: / Neil B. Friedman /
Neil B. Friedman
BAKER and RANNELLS, PA
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to attorneys for Applicant this 23rd day of December via first class mail, postage prepaid, to the following:

GINO NEGRETTI LAW OFFICES 670 PONCE DE LEON AVE. CARIBBEAN TOWERS, STE. 17 SAN JUAN, PR 00907-3207

> / Neil B. Friedman / Neil B. Friedman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

NAUTICA APPAREL, INC.,	: Opposition No.: 91212653
Opposer,	
v. MAJESTIQUE CORPORATION,	Mark:
Applicant.	: Ser. No. 85883577
X	

OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT

Opposer, Nautica Apparel, Inc. ("Opposer"), hereby requests that Applicant, Majestique Corporation ("Applicant"), produce and permit Opposer to inspect and copy the following designated documents and things, pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 34 of the Federal Rules of Civil Procedure, at the office of Baker and Rannells, PA, 575 Route 28, Raritan, NJ 08869, or at some other location mutually agreed upon, thirty (30) days after receipt hereof.

DEFINITIONS AND INSTRUCTIONS

- 1. As used herein, the term "Opposer" means and shall refer to Opposer herein, each of its predecessors, subsidiaries, licensees, divisions, affiliates, directors, officers, employees, agents and attorneys and each person acting on its behalf or under its control.
- 2. As used herein, the term "Applicant" means and shall refer to Majestique Corporation applicant and each of its predecessors, subsidiaries, licensees, divisions,

affiliates, directors, officers, employees, agents and attorneys and each person acting on its behalf or under its control.

- 3. As used herein, the term "Person" as well as pronouns referring thereto shall include any business, legal or governmental entity or association, as well as natural persons.
- 4. As used herein, the term "Document" includes any tangible thing from or on which information can be stored, recorded, processed, transmitted, inscribed, or memorialized in any way by any means, regardless of technology or form.
- 5. With respect to each Document to which an objection as to production is made, state:
 - a. The nature of the Document;
 - b. The date of the Document;
 - c. The name of the person(s) to whom the Document was addressed;
 - d. The name of the person(s) who received such Document;
 - e. The name of the person(s) who prepared or sent the Document;
 - f. The general subject matter of the Document; and
 - g. The specific grounds upon which the objection is made.
- 6. As used herein, the term "date" means the exact date, if known, and, if not known, the approximate date.
- 7. Any word written in the singular shall be construed as plural or vice-versa when necessary to facilitate a response to a request for production of a document or thing.
- 8. As used herein, the term "all" and "each" shall be construed as all and each to bring within the scope of the discovery request all documents and things that might otherwise be construed to be outside of its scope.

- 9. As used herein, the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery requests all documents and things that might otherwise be construed to be outside of its scope.
- 10. "Refer," "relate" or "relating," "regarding," "concerning," "reflecting" or "containing" shall mean directly or indirectly, in whole or in part, referring to, relating to, connected with, commenting on, discussing, impacting upon, affecting, responding to, explaining, showing, indicating, describing, analyzing, reflecting, evidencing or constituting.
- 11. As used herein, the term "Applicant's Mark" means and shall refer to the design mark in App. No. 85883577, which is the subject of Opposer's Notice of Opposition.
- 12. As used herein, the term "Applicant's Goods" means and shall refer to the goods listed in App. No. 85883577.
- 13. As used herein, the term "Opposer's Marks" means and shall refer to those marks listed in Paragraphs 5 and 6 of Opposer's Notice of Opposition.

REQUESTED DOCUMENTS AND THINGS

REQUEST NO. 1

All documents concerning the selection, creation and development of Applicant's Mark.

REQUEST NO. 2

All documents concerning Opposer and/or Opposer's Mark.

REQUEST NO. 3

A specimen of each and every brochure, business plan, marketing plan, proposal, or other document created at any time that describes the business of Applicant and its plan for goods bearing Applicant's Mark.

REQUEST NO. 4

A specimen of each product, including the packaging for each product, identified in response to Interrogatory No. 6 that has been, is being, or will be sold or offered for sale using Applicant's Mark.

REQUEST NO. 5

All Documents concerning the date on which Applicant began using Applicant's Mark for each of Applicant's Goods.

REQUEST NO. 6

Produce all documents upon which Applicant will rely that supports its continued use of Applicant's Mark.

REQUEST NO. 7

All documents concerning the date on which Applicant made its first sale of any product using Applicant's Mark.

REQUEST NO. 8

All documents concerning each trademark search, clearance or other inquiry conducted by or on behalf of Applicant that refers or relates to the registration or use of Applicant's Mark.

REQUEST NO. 9

All documents concerning each survey, test survey, informal survey, consumer questionnaire, consumer study questionnaire, market analysis, market research,

investigation or other inquiry conducted by or on behalf of Applicant or of which Applicant has become aware that refers or relates to Opposer, Opposer's Marks, Applicant or Applicant's Mark.

REQUEST NO. 10

Produce all documents that concern Opposer that were reviewed or discussed by Applicant prior to filing the application for Applicant's Mark.

REQUEST NO. 11

All advertising or promotional materials which have been or are being used by Applicant and that contain Applicant's Mark.

REQUEST NO. 12

Produce copies of all advertisements and/or promotional materials concerning Applicant's Goods featuring Applicant's Mark.

REQUEST NO. 13

All documents concerning the channels of trade through which products and/or services are offered for sale or sold using Applicant's Mark and their travel from Applicant to the ultimate consumers of the products in the United States.

REQUEST NO. 14

All documents, from the time Applicant began using Applicant's Mark until the present, concerning Applicant's gross income derived from the sale of products offered for sale or sold using Applicant's Mark in the United States.

REQUEST NO. 15

All documents concerning Applicant's estimated or projected gross income to be derived from the sale of products offered for sale or sold using Applicant's Mark in the United States.

REQUEST NO. 16

All documents, from the time Applicant began using Applicant's Mark until the present, concerning the number of units of products offered for sale or sold using Applicant's Mark in the United States.

REQUEST NO. 17

All documents concerning Applicant's estimated or projected number of units of products which will be offered for sale or sold using Applicant's Mark in the United States.

REQUEST NO. 18

All documents concerning the geographic locations in which Applicant offers for sale and sells, or has offered for sale and sold, each product using Applicant's Mark.

REQUEST NO. 19

All documents concerning the geographic locations in which Applicant intends to offer for sale and sell products using Applicant's Mark.

REQUEST NO. 20

A representative sample of each class or type of promotional material, including, but not limited to, advertisements, catalogs, brochures, posters, sales sheets, point of sale displays, flyers and price lists, which is, has been, or is intended to be used to promote products using Applicant's Mark in the United States.

REQUEST NO. 21

All documents concerning or identifying the customers to whom goods bearing Applicant's Mark is promoted.

REQUEST NO. 22

All documents concerning purchasers of the goods sold or to be sold under Applicant's Mark.

REQUEST NO. 23

Produce all documents reflecting money spent by Applicant advertising and promoting goods bearing Applicant's Mark in the U.S.

REQUEST NO. 24

All Documents concerning all communications between Applicant, on the one hand, and any and all of Applicant's manufacturers, suppliers, labelers, packers, shippers, and distributors, on the other hand, concerning products offered for sale and sold using Applicant's Mark in the United States, including but not limited to, Documents concerning Applicant's purchase of products or materials used in manufacturing, labeling, packaging or distributing such products.

REQUEST NO. 25

All Documents, from the time Applicant began using Applicant's Mark until the present, concerning Applicant's inventory of products offered for sale and sold using Applicant's Mark in the United States.

REQUEST NO. 26

All license agreements, sponsorship agreements, or any other agreement, whether in draft or final form, wherein Applicant allows, allowed, or will allow the use of Applicant's Mark by another.

REQUEST NO. 27

All Documents concerning all assignments or any other agreement to which Applicant, or its predecessors in interest, is a party involving Applicant's Mark.

REQUEST NO. 28

All Documents concerning each instance in which any person has been in any way confused, mistaken or deceived as to the origin or sponsorship of any product or service which is sold or offered for sale by or on behalf of Applicant using Applicant's Mark.

REQUEST NO. 29

All Documents concerning all communications between Applicant, on the one hand, and any individual or entity, on the other hand, concerning Opposer, Opposer's Marks, and/or Applicant's Mark.

REQUEST NO. 30

Each Document which concerns any experts who have been retained or specially employed by Applicant, and any facts known or opinions held by any such experts regarding any aspect of this proceeding.

REQUEST NO. 31

For each expert whose opinion may be relied upon in this proceeding, each document which concerns: (i) any opinions that may be presented at trial; (ii) the reasons

for any such opinions; (iii) any data or information considered by the witness in forming the opinions; (iv) any exhibits used in support of or summarizing the opinions; (v) the compensation being paid to the witness, and (vi) any cases which the witness has testified at trial or by deposition from 1992 to date.

REQUEST NO. 32

All Documents concerning any lawsuits, oppositions, cancellation proceedings, written objections, cease and desist letters, threatened litigation in which Applicant has in any way been involved (other than this proceeding) with respect to Applicant's Mark.

REQUEST NO. 33

All documents reflecting, relating to, pertaining to, or referring to any disputes, disagreements or controversies Applicant has had in the past or now has with a party other than Opposer.

REQUEST NO. 34

Produce all documents concerning the meaning, significance, and/or commercial impression of Applicant's Mark.

REQUEST NO. 35

Produce documents sufficient to identify each (1) wholesaler, (2) distributor, and (3) retailer that has sold and/or has agreed to sell any of goods bearing Applicant's Mark in the United States.

REQUEST NO. 36

All documents pertaining or relating to any litigation, including administrative proceedings of any type, other than this proceeding, in which Applicant has been

involved, either as a party or otherwise, which involved any trademark, service mark, trade name, or copyright claims of any kind.

REQUEST NO. 37

Produce all documents that support Applicant's Answer and Affirmative Defenses in this proceeding.

REQUEST NO. 38

All Documents and things which were identified, required to be identified, and/or used by Applicant to answer Opposer's First Set of Interrogatories to Applicant.

Dated: December 23, 2013

For Opposer Nautica Apparel, Inc.

By:

/ Neil B. Friedman /
Neil B. Friedman
BAKER and RANNELLS, PA
575 Route 28, Suite 102
Raritan, New Jersey 08869
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to attorneys for Applicant this 23rd day of December via first class mail, postage prepaid, to the following:

GINO NEGRETTI LAW OFFICES 670 PONCE DE LEON AVE. CARIBBEAN TOWERS, STE. 17 SAN JUAN, PR 00907-3207

/ Neil B. Friedman / Neil B. Friedman

BAKER AND RANNELLS, P.A.

INTELLECTUAL PROPERTY ATTORNEYS

STEPHEN L. BAKER •
JOHN M. RANNELLS •
NEIL B. FRIEDMAN •
RYAN A. MCGONIGLE •

JASON L. DEFRANCESCO* PEI-LUN CHANG 張培倫+

* WASHINGTON, DC & FLORIDA & REG. PATENT ATTORNEY 575 ROUTE 28 - SUITE 102 RARITAN, NEW JERSEY 08869 TELEPHONE (908) 722-5640 FACSIMILE (908) 725-7088 WWW.TMLAWWORLDWIDE.COM NEW YORK OFFICE 570 LEXINGTON AVENUE 10TH FLOOR NEW YORK, NY 10022 TELEPHONE (212) 481-7007 FACSIMILE (800) 688-8235

PLEASE RESPOND TO THE NEW JERSEY ADDRESS
EMAIL: N.FRIEDMAN@BR-TMLAW.COM

January 28, 2014

VIA FIRST CLASS MAIL

Gino Negretti, Esq. 670 Ponce De Leon Ave. Caribbean Towers, Ste. 17 San Juan, Puerto Rico 00907-3207

Re:

Application Serial No. 85883577

Mark:

Applicant: Majestique Corporation

Opposition No. 91212653

Dear Mr. Negretti:

We are writing on behalf of our client Nautica Apparel, Inc. ("Nautica").

On December 23, 2013, Nautica served you with Opposer's discovery requests. By our calculations, your client's responses were due yesterday. We insist that you provide us with your responses by the end of the week without objection. This letter shall serve as our good faith effort to avoid a discovery dispute regarding your failure to comply with discovery.

Neil B Friedman

ours.

NBF:ab

Neil Friedman

From:

Neil Friedman

Sent:

Monday, February 10, 2014 5:22 PM

To:

'Lic. Gino Negretti'

Cc:

K. Hnasko

Subject:

RE: US PATENT TRADEMARK OFFICE, APPLICATION SERIAL 85883577; APPLICANT

MAJESTIQUE CORPORATION / NAUTICA

Dear Mr. Negretti:

We are writing on behalf of our client Nautica Apparel, Inc.

On December 23, 2013, Nautica served you with Opposer's initial disclosures, requests for interrogatories and document requests. Responses to such requests were due on January 27, 2014. On January 28, 2014, I sent you a letter demanding that you provide us with your responses by January 31, 2014 without objection.

To date, we have not received the courtesy of your reply. This email shall serve as our final good faith effort to avoid a discovery dispute regarding your failure to comply with discovery. In the event that we do not receive your responses without objection by the close of business on February 13, 2014, we will proceed with a motion to compel and request for sanctions.

Very truly yours,

Neil B. Friedman, Esq.



Attorneys at Law 575 Route 28

Raritan, NJ 08869

Telephone: (908) 722-5640 Facsimile: (908) 725-7088

E-mail: n.friedman@br-tmlaw.com

www.tmlawworldwide.com

This email is confidential and may be legally privileged. If you received it in error please notify us immediately. If you are not the intended recipient you should not copy it, disclose its contents to others, or use it for any purpose.

From: Lic. Gino Negretti [mailto:gnl@prtc.net]
Sent: Friday, December 20, 2013 11:20 AM

To: Neil Friedman

Subject: US PATENT TRADEMARK OFFICE, APPLICATION SERIAL 85883577; APPLICANT MAJESTIQUE CORPORATION /

NAUTICA

Dear Mr. Friedman:

Enclosed please find First Set of Request for Admissions, Interrogatories and Request for Production of Documents, regarding the above

subject matter.

Cordially,
Gino Negretti
Attorney at Law
Gino Negretti Law Offices
Cond. Caribbean Towers
670 Ponce de Leon Ave. Ste. 17
San Juan, PR 00907-3207
Tel. 787-725-5500

Fax.787-725-5503

Email: gnl@prtc.net

Neil Friedman

From:

Lic. Gino Negretti <gnl@prtc.net>

Sent:

Wednesday, February 12, 2014 2:04 PM

To:

Neil Friedman

Subject:

FW: Opposition No. 91212653 - NAUTICA APPAREL, INC. OPPOSER VS. MAJESTIQUE

CORPORATION, APPLICANT

Dear Mr. Friedman:

We are working in the Answer to the Interrogatories regarding the above subject matter.

Cordially, Gino Negretti

Este mensaje no contiene virus ni malware porque la protección de <u>avast! Antivirus</u> está activa.

Neil Friedman

From:

Neil Friedman

Sent:

Wednesday, February 12, 2014 6:19 PM

To:

'Lic. Gino Negretti'

Cc:

K. Hnasko

Subject:

RE: Opposition No. 91212653 - NAUTICA APPAREL, INC. OPPOSER VS. MAJESTIQUE

CORPORATION, APPLICANT

Thank you. In light of the delay, and as stated in my email dated February 10, 2014, we expect your responses by the close of business tomorrow.

Neil B. Friedman, Esq.



Attorneys at Law 575 Route 28

Raritan, NJ 08869

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